

The Florida House of Representatives

Office of the Speaker

Larry Cretul
Speaker

September 15, 2010

The Honorable Charlie Crist
Governor
State of Florida
PL 05 The Capitol
Tallahassee, Fl 32399-0001

Dear Governor Crist:

I am in receipt of your September 14, 2010 letter requesting Legislative Budget Commission (LBC) consideration of items that were not on the LBC's agenda on September 14, 2010. As you are aware, the reason these items were not placed on the agenda is because the approval of such amendments by the LBC would be unlawful. The authority and powers of the LBC are intentionally limited to ensure that responsibility of appropriating rests with the full Legislature. The type of action sought requires the review and affirmative approval of the majority of both chambers of the Legislature and cannot legally be relegated to a small subset of its members.

Specifically, the Florida Energy and Climate Commission (FECC) requested the transfer of a fixed capital outlay appropriation for another purpose. This is expressly prohibited by Chapter 216, Florida Statutes. In addition, Chapter 216 also prohibits amendments for items that were requested by an agency or the Governor but were not approved by the full Legislature. The solar rebate program amendment was not placed on the agenda for this reason as well.

What is truly unfortunate about this situation is that the FECC approved and you announced the HVAC rebate program publicly, knowing that the funding had not been approved by the LBC. What is also unfortunate is that the backlog of solar rebate applicants was in great part caused by the failure of the FECC to announce that funds were depleted, thus duping the citizens of Florida to believe they were eligible for a rebate that was no longer available. Not only did the FECC fail to notify the public timely or adequately that the funds had run out, they failed to even post such notice on their website until months after the funds had been exhausted.

Certainly you appreciate that neither the Speaker nor the President are above the law and cannot circumvent lawful process. I am sure that you agree with me that those who have misled

Floridians about the continued availability of these rebates and have treated our citizens and small business owners so disingenuously should be held accountable. The funds in question may be used for these rebate programs or for other purposes as may be determined by the full Legislature when they convene next.

Sincerely,



Larry Cretul
Speaker

cc: President Jeff Atwater
Senator Rudy Garcia
Senator JD Alexander
Senator Lee Constantine
Senator Mike Fasano
Senator Charlie Justice
Senator Al Lawson
Senator Jeremy Ring
Representative David Rivera
Representative Ellyn Bogdanoff
Representative Bill Galvano
Representative Joseph Gibbons
Representative Denise Grimsley
Representative William Proctor
Representative Ron Saunders